

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
 v.) Criminal No. 05-10224-GAO
)
 J.C. ANDERSON,)
 a/k/a "Mann",)
 Defendant.)

**UNITED STATES' MOTION
FOR FINAL ORDER OF FORFEITURE**

The United States, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby moves that this Court issue a Final Order of Forfeiture in the above-captioned case pursuant to 21 U.S.C. § 853. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned an three-count Indictment charging Defendant J.C. Anderson (the "Defendant") with the following: Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One); and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a)(1) (Counts Two and Three).

2. The Forfeiture Allegation of the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or

part, to commit, or to facilitate the commission of, any such violations. Such property includes, but is not limited to, the following:

One Gray 2003 Honda Pilot, VIN# 2HKYF187X3H562424, Massachusetts license plate CI947J, registered in the name of J.C. Jones Anderson (the "Honda Pilot").

3. The Forfeiture Allegation of the Indictment further provided that, if the Honda Pilot, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of the Honda Pilot, pursuant to 21 U.S.C. § 853(p).

4. On September 5, 2006, the Defendant pled guilty to Counts One through Three of the Indictment. At the hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the United States provided the Court with a basis for the forfeiture of the Honda Pilot, and the Court advised the Defendant of the applicable forfeiture. The Defendant admitted that the Honda Pilot is subject to forfeiture on the grounds that it constitutes or is derived from proceeds traceable to his

offenses.

5. On December 14, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Honda Pilot.

6. Notice of the Preliminary Order of Forfeiture was sent to all interested parties and a Notice of Forfeiture was published in the Boston Herald on February 2, 2007, February 9, 2007, and February 16, 2007.

7. No claim of interest in the Honda Pilot has been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on March 19, 2007.

8. By virtue of Defendant's guilty plea and based on the admissions in his plea agreement, the United States now is entitled to forfeit the Honda Pilot.

9. Accordingly, the United States now moves for entry of a Final Order of Forfeiture against the Honda Pilot. See Fed. R. Crim. P. 32.2(b)(1).

10. On March 26, 2007, forfeiture was included in the sentence pronouncement and imposed by the Court at the sentencing hearing, and included in the criminal judgment entered by the Court against the Defendant.

WHEREFORE, the United States respectfully moves that this Court enter a Final Order of Forfeiture against the Honda Pilot in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

Date: April 17, 2007

CERTIFICATE OF SERVICE

I, Kristina E. Barclay, Assistant U.S. Attorney, hereby certify that the foregoing Motion of the United States for Final Order of Forfeiture, as well as the proposed Final Order of Forfeiture, was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
KRISTINA E. BARCLAY
Assistant U.S. Attorney

Date: April 17, 2007

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DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
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 v. Criminal No. 05-10224-GAO
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J.C. ANDERSON,)
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 Defendant.)

FINAL ORDER OF FORFEITURE

O'Toole, D.J.

WHEREAS, on August 24, 2005, a federal grand jury sitting in the District of Massachusetts returned a three-count Indictment charging Defendant, J.C. Anderson (the "Defendant") with the following: Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 (Count One) and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841 (a)(1) (Counts Two and Three);

WHEREAS, the Forfeiture Allegation of the Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, including but not limited to the following:

One Gray 2003 Honda Pilot, VIN# 2HKYF187X3H562424,
Massachusetts license plate CI947J, registered in the
name of JC Jones Anderson (the "Honda Pilot");

WHEREAS, on September 5, 2006, the Defendant pled guilty to Counts One through Three of the Indictment;

WHEREAS, on December 14, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Honda Pilot;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties and published in the Boston Herald on February 2, 2007, February 9, 2007, and February 16, 2007; and

WHEREAS, no petitions or claims of interest in the Honda Pilot have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on March 19, 2007;

WHEREAS, on March 26, 2007, forfeiture was included in the Defendant's sentence pronouncement and imposed by the Court at the sentencing hearing and included in the criminal judgment entered by the Court against the Defendant.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED:

1. The United States' Motion for a Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title, or interest in the Honda Pilot, and the Honda Pilot is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. Any parties having any right, title or interest in the Honda Pilot is hereby held in default.

4. The United States is hereby authorized to dispose of the Honda Pilot in accordance with applicable law.

GEORGE A. O'TOOLE
United States District Judge

Date: